ordering the inbound inquiries with the priority values; and

informing the inbound inquirer of the time of the outbound contact attempt.

50.   (Amended) A method for ordering inbound inquiries, the method comprising:

receiving plural inbound inquiries, from plural inquiry media, each inbound inquiry having associated inquiry information;

applying the inquiry information to one or more models to determine a priority value for each inquiry;

ordering the inbound inquiries with the priority values;

asking the inbound inquirer for a channel and time for a response; and

scheduling a response at the channel and time.

REMARKS

Applicants appreciate the time taken by the Examiner to carefully review Applicants' present application. Applicants have carefully reviewed the Office Action mailed May 23, 2001 (Paper No. 4). Claims 1-50 are pending in this Application. No claims have been withdrawn from consideration. Claims 1-47 stand rejected and Claims 48-50 are objected to. Claims 33 and 48-50 have been amended too more clearly describe Applicants' original claimed invention. Applicants respectfully submit that the amendments are supported by the specification and add no new matter. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102(e)

Claims 1, 3-35, 37-44 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,088,444 issued to Jay S. Walker et al. (hereafter "Walker"). Applicants respectfully traverse the Examiner's rejection and submit that Claims 1, 3-35, 37-44, and 46 are patentable over Walker.

Applicants respectfully traverse the § 102(e) rejections. "It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim ...." *In re King*, 231 U.S.P.Q. (BNA) 136 (Fed. Cir. 1986)(emphasis added). Walker cannot anticipate, because Walker does not show all the elements of the present claims.

Walker discloses a method for positioning inbound calls in a queue based upon the economic value of the inbound call where the economic value is determined by information provided by the caller, such as the amount of money the caller is spending, using an automatic call distributor and an interactive voice response unit to obtain the information.

Applicants' claims are directed to methods and systems that schedule inbound inquires by applying one or more models to the inbound inquiries. In contrast, Walker merely positions inbound calls in a queue using call information provided by the caller. As is explained in detail by Applicants' written description, a variety of types of models, such as logistic regression, are applied to information in order to forecast a

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future outcome for pending inbound inquiries. The results of
the model are thus used to compute a priority value for each
inbound inquiry based on a forecasted outcome or behavior of
the caller. Page 8, Lines 4-19; Page 18, Lines 27-30; Page
19, Lines 1-12. Applicants' use of the term "model" in the
claims is consistent with the common meaning of the term by
those of skill in the art, such as is reflected by the
definition in Merriam Webster's Collegiate Dictionary: a
"system of postulates, data, and inferences presented as a
mathematical description of an entity or state of affairs."
Walker performs no mathematical analysis on the call
information and does not forecast any outcome.

Applicants' Claim 1 recites a method for ordering inbound
inquiries comprising the step of "applying a model to the
inquiry information to determine a priority value for each
inquiry."

Applicants' Claim 16 recites a method for determining
inbound telephone call priority comprising the step of
"applying the model to caller information of a pending inbound
call to predict an outcome of the pending inbound call."

Applicants' Claim 33 recites a system for scheduling
inbound calls comprising a "scheduling module operable to
order the inbound inquiries for handling by the receiving
device, the order based in part on the predicted outcome of
the inbound inquiries."

Applicants' Claim 39 recites a system for responding to inbound calls comprising a "scheduling system associated with the receiving device and having a scheduling module that prioritizes the inbound calls in accordance with forecasted outcomes for the inbound calls."

Applicants' Claim 44 recites a method for ordering inbound inquiries comprising the step of "applying the inquiry information to one or more models to determine a priority value for each inquiry."

Applicants respectfully traverse the rejections under Section 102(e) under Walker. Walker cannot anticipate applicants' claimed invention because Walker does not disclose, suggest, or teach all of the limitations recited by Claims 1, 16, 33, 39, and 44. For example, as recited in Claim 1, Walker fails to disclose, suggest, or teach a method for ordering inbound inquires comprising "applying a model to the inquiry information to determine a priority value for each inquiry." Walker does not disclose, suggest, or teach a method for determining inbound telephone call priority comprising the step of "applying the model to caller information of a pending inbound call to predict an outcome of the pending inbound call" as recited in Claim 16. As recited in Claim 33, Walker fails to disclose, suggest, or teach a system for scheduling inbound calls comprising a "scheduling module operable to order the inbound inquiries for handling by the receiving device, the order based in part on the predicted outcome of the inbound inquiries." Walker does not disclose, suggest, or teach a system for responding to inbound calls

comprising a "scheduling system associated with the receiving device and having a scheduling module that prioritizes the inbound calls in accordance with forecasted outcomes for the inbound calls." As recited in Claim 44, Walker fails to disclose, suggest, or teach a method for ordering inbound inquiries comprising "applying the inquiry information to one or more models to determine a priority value for each inquiry." Thus, Applicants respectfully submit that Claims 1, 16, 33, 39, and 44 are not anticipated by Walker.

Claims 3-15 depend from and provide further patentable limitations to Claim 1, Claims 17-32 depend from and provide further patentable limitations to Claim 16, Claims 34, 35, and 37-38 depend from and provide further patentable limitations to Claim 33, Claims 40-43 depend from and provide further patentable limitations to Claim 39, and Claims 46 and 48-50 depend from and provide further patentable limitations to Claim 44. Therefore, Applicants respectfully request the Examiner to reexamine, reconsider, withdraw the rejection to and allow Claims 3-15, 17-32, 34, 35, 37-38, 40-43, 46 and 48-50.

Allowed Subject Matter

Claims 48-50 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully traverse the Examiner's objection. However, in order to obtain prompt patent protection for the subject matter that

the Examiner has indicated to be patentable, Applicants have amended Claims 48-50 to recite subject matter that the Examiner has indicated to be allowable.

Accordingly, Applicants respectfully request the Examiner to withdraw the objections and rejections to Claims 1-50 and to allow these claims to pass to issuance.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the rejections and that a timely Notice of Allowance allowing Claims 1-50 be issued in this case.

Attached hereto is a marked-up version of the changes made to the claims by the current amendments. The attached pages are captioned **"Version with Markings to Show Changes Made."**

Although Applicants believe that there are no additional fees due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2693.
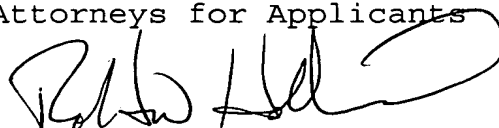
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Respectfully submitted,

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Date: 16 August 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

33. **(Amended)** A system for scheduling inbound calls, the
system comprising:

a receiving device operable to receive plural inbound
inquiries and to provide the inbound inquiries to one or more
agents; **and**

a scheduling module interfaced with the receiving device,
the scheduling **[model] module** operable to order the inbound
inquiries for handling by the receiving device, the order
based in part on the predicted outcome of the inbound
inquiries.

48. **(Amended)** [The method of Claim 44 further
comprising] **A method for ordering inbound inquiries, the
method comprising**:

**receiving plural inbound inquiries, from plural inquiry
media, each inbound inquiry having associated inquiry
information;**

**applying the inquiry information to one or more models to
determine a priority value for each inquiry;**

**ordering the inbound inquiries with the priority values;
and**

scheduling one or more inbound inquiries for an outbound
contact attempt at a time based on the priority of the inbound
inquiry.

49. **(Amended)** [The method of Claim 48 further
comprising] **A method for ordering inbound inquiries, the
method comprising**:

receiving plural inbound inquiries, from plural inquiry media, each inbound inquiry having associated inquiry information;

applying the inquiry information to one or more models to determine a priority value for each inquiry;

ordering the inbound inquiries with the priority values; and

informing the inbound inquirer of the time of the outbound contact attempt.

50.   (Amended) [The method of Claim 44 further comprising] A method for ordering inbound inquiries, the method comprising:

receiving plural inbound inquiries, from plural inquiry media, each inbound inquiry having associated inquiry information;

applying the inquiry information to one or more models to determine a priority value for each inquiry;

ordering the inbound inquiries with the priority values;

asking the inbound inquirer for a channel and time for a response; and

scheduling a response at the channel and time.